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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,564	07/02/2003	Dennis R. Berman	R0356-00004	5486
28422	7590	04/28/2006	EXAMINER	
HOYT A. FLEMING III P.O. BOX 140678 BOISE, ID 83714			CRABTREE, JOSHUA DAVID	
			ART UNIT	PAPER NUMBER
			3715	
DATE MAILED: 04/28/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,564

Applicant(s)

BERMAN, DENNIS R.

Examiner

Joshua D. Crabtree

Art Unit

3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/6/04, 9/27/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Drawings

1. Applicant is requested to provide a descriptive legend for each of the structural elements in the drawings currently represented in the form of a hollow rectangle, for example those denoted by symbols 202, 204, 206, 208, and 210. Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5-7, 10, 11, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Cousins (US 5,141,439). Cousins discloses a keyword teaching and testing method which includes teaching students to become familiar with subject matter by memorizing keywords and grouping sentences according to main ideas (See abstract).

With regard to claim 1, Cousins teaches the limitation of presenting one or more unfamiliar learning entities to a learner in a contextual presentation. Cousins discloses a first reading of the text by the student (Col. 1, lines 50-55; see also Fig. 2, step 1).

Cousins discloses the limitation of requesting the learner to memorize the unfamiliar learning entities for one or more times in view of the contextual presentation (Col. 1, lines 50-60).

Cousins discloses the limitation of presenting contextual information to the learner with one or more selected learning entities missing therefrom, the missing entities being expected to be filled in by the learner to complete the contextual presentation so as to prove he or she has memorized the entities (Col. 1, lines 56-60; see also Figs. 1a-f).

With regard to the limitation of monitoring each learning element of the learning entity provided by the learner, Cousins discloses the learner comparing his or her answers to those in the original text, in order to monitor his or her performance on the test (Col. 1, lines 63-65).

With regard to the limitation of evaluating each learning element in response to the learning element provided by the learner before the learner completes each entity; and providing a visual feedback in real time to the learner indicating incorrectness of the provided learning element, Cousins discloses the student reading the text for a fourth time while filling in the correct answers (Col 1, lines 63-65). Thus the mistakes are corrected as the text is read, or in real time. Visual feedback is provided as the learner compares his or her answers to those in the original text.

With regard to claims 5 and 15, Cousins discloses a third reading in which students attempt to fill in blanks based on comprehension recall, and a fourth reading

in which the student corrects mistakes while viewing the original text (Col. 1, lines 56-60). Thus the learner consults with the original text to retrieve the correct word or words that he or she could not successfully recall after the third reading. With regard to the limitation of identifying one or more learning entities for receiving a hint, the learner would identify the empty or incorrectly answered blanks as ones for which to seek a hint, or the correct word, from the original text.

With regard to claims 6 and 16, Cousins discloses allowing the learner to view the original text to find the correct words, as explained above.

With regard to claim 7, Cousins discloses the entities as words, as described in the rejection to claim 1 above. Words comprise characters, or letters.

With regard to claim 10, Cousins discloses the student taking a fill-in-the-blanks test prepared verbatim from sections from the original text. (Col. 1, lines 45-50) Thus the presentation is in a question and answer form in which the learning entities are in the answer.

With regard to claim 11, Cousins discloses presenting one or more keywords to the learner in a contextual presentation. Specifically, Cousins discloses a second reading of the text where the student underlines and memorizes keywords from the text (Col. 1, lines 53-55). Cousins also discloses requiring the student to memorize and recall key words (Col. 1, lines 57-60). With regard to the limitation of presenting the contextual presentation to the learner with one or more selected keywords missing therefrom, the missing keywords being expected to be filled in by the learner to

complete the contextual presentation so as to prove that the learner has learned and memorized the keywords, see the above rejection to claim 1. With regard to the limitations of monitoring each character in real time as the character is being provided, and providing visual feedback to the learner indicating incorrectness of the provided character, see the above rejection to claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-4, 9, 13, 14, 18, 19-23, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parry et al. (US 6,077,085) in view of Cousins. Parry et al. teach a computer-based display of educational material, with the intent of helping a student learn, understand, and memorize new material (Col. 5, lines 23-36).

With regard to claims 2 and 19, Parry et al. teach the concept of preventing the learner from advancing to a subsequent entity if he or she has answered a first entity incorrectly (Col. 3, lines 3-7; Col. 3, lines 56-60; Col. 3, lines 64-69). With regard to claim 19, Parry teaches the incorporation of a computer (Col. 2, lines 35-43).

With regard to claims 3, 13, and 20, Parry et al. teaches showing the student a few characters from words that were answered incorrectly (Col. 13, lines 27-31; Col. 25, lines 54-60). With regard to claim 20, Parry et al. disclose the incorporation of a computer (Col. 2, lines 35-43).

With regard to claims 4, 14, and 21, Parry et al. disclose providing the student with the number of letters in each missed word (Col. 25, lines 59-60). With regard to claim 21, Parry et al. disclose the incorporation of a computer (Col. 2, lines 35-43).

With regard to claims 9 and 23, Parry et al. disclose highlighting the errors made by the student (Col. 24, lines 44-46). With regard to claim 23, Parry et al. disclose the incorporation of a computer (Col. 2, lines 35-43).

With regard to claim 18, Parry et al. disclose implementing the invention in a computer program Col. 1, lines 6-10). Parry et al. fail to disclose the specific features of the learning exercises as described in claims 1, 11, and 18. These features are taught by Cousins, as shown above in the rejection to claim 1. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Cousins into the invention of Parry et al. in order to provide a computerized method of teaching students to become familiar with text segments or keywords in preparation for a test.

With regard to claim 22, see the above rejection to claim 5.

With regard to claim 24, see the above rejection to claim 10.

With regard to claim 25, Parry et al. teach requesting the learner to type the unfamiliar entities for one or more times in view of the contextual presentation (Col. 12,

lines 18-19). Parry et al. fail to teach presenting one or more unfamiliar learning entities to the learner in a contextual presentation in question-answer form. Parry et al. fail to teach presenting the contextual presentation to the learner with one or more entities missing therefrom, the missing entities being expected to be filled in by the learner to complete the contextual presentation so as to prove that the learner has memorized the entities. Parry et al. fail to teach the limitation of monitoring each element of the entity provided by the learner. Parry et al. fail to teach the limitation of evaluating each learning element in response to the learning element provided by the learner before the learner completes each entity. Parry et al. fail to teach the limitations of hinting the learner with elements of the learning entities. Parry et al. fail to teach the limitation of prohibiting a learner from attempting to solve subsequent problems if he or she has incorrectly answered a first problem. Cousins discloses these features as shown above in the rejections to claims 10, 1, 3, 4, and 2, respectively. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Cousins into the invention of Parry et al. in order to provide a computer based teaching environment in which helps the student memorize material by showing them parts of the material as hints. It would also be advantageous to prevent the student from solving subsequent problems after incorrectly answering a previous problem, so that the student is forced to get the first question right before proceeding.

With regard to claim 26, see the above rejection to claim 7.

4. Claims 8 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cousins in view of Wilson (US 6,186, 795). Cousins does not disclose requiring the student to memorize alphanumeric characters or numerals. Wilson teaches a memorization system designed to assist a student in memorizing numeric and textual information (Col. 1, lines 53-59; see also Fig. 2) It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Wilson into the invention of Cousins in order to provide a more versatile memorization system. Instead of using just words, a system using numeric characters would have the benefit of being applicable to science, engineering or math classes in which alphanumeric characters are encountered.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blank (US 2003/0170596) discloses a literacy system in which the learner must memorize a sequence of characters in a string. Brown (US 2004/0023191) discloses an "Adaptive instructional process and system to facilitate oral and written language comprehension". Brown discloses the limitation of providing hints to the learner, such as "hint picture", "hint audio" and "hint text".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Crabtree whose telephone number is 571-272-8962. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC

Kathleen Mosser
KATHLEEN MOSSER
PRIMARY EXAMINER